

1 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

2 Application Serial No. 09/332,271
 3 Filing Date June 11, 1999
 4 Inventor Klaus Florian Schu graf et al.
 5 Assignee Micron Technology, Inc.
 6 Group Art Unit 2811
 7 Examiner Unknown
 8 Attorney's Docket No. MI22-532
 9 Title: Methods for Forming Wordlines, Transistor Gates, and Conductive
 10 Interconnects, and Wordline, Transistor Gate, and Conductive Interconnect
 11 Structures

12 **SUBSTITUTE PETITION FOR FILING BY ASSIGNEE**

FAX RECEIVED

13 To: Assistant Commissioner For Patents
 14 Washington, D.C. 20231

SEP 29 2000

PETITIONS OFFICE

15 From: D. Brent Kenady (Tel. 509-624-4276; Fax 509-838-3424)
 16 Wells, St. John, Roberts, Gregory & Matkin P.S.
 17 601 W. First Avenue, Suite 1300
 18 Spokane, WA 99201-3828

19 Applicant, Micron Technology, Inc., hereby petitions the Commissioner
 20 to accept the filing of the above-identified U.S. Patent Application by Micron
 21 Technology, Inc., as the party to which the invention disclosed and claimed
 22 in said patent application rightfully belongs, and on behalf of and as agent for
 23 the inventor. This Petition and the following listed documents are presented
 in response to the U.S. Patent and Trademark Office's Notice to File Missing
 Parts of Application.

Three Declarations are attached hereto (Declarations of David G.
 Latwesen, Michael L. Lynch and Karen Brasefield); together with a copy of
 the "Assignment of Inventions, Rights and Confidential Information

1 Agreement" (which is attached to the Declaration of Michael L. Lynch and
2 marked as Exhibit "A") executed by Klaus Florian Schuegraf, a joint inventor;
3 and a copy of the "Assignment" executed by Randhir P.S. Thakur, the other
4 joint inventor. The above-identified attached documents evidence pertinent
5 facts concerning the refusal of Klaus Schuegraf to join in the present
6 application for patent, and establish a chain of title to demonstrate that
7 Micron Technology, Inc. has ownership in the matter, seeks to take action in
8 this matter, and that such action is necessary to preserve the rights of Micron
9 Technology, Inc.

10 The name and last known address of the inventor refusing to join this
11 application is as follows:

12 Klaus Florian Schuegraf
13 26895 Aliso Creek Rd.
14 Suite D, Box 125
Aliso Viejo, CA 92656

15 This last known address is the address the application papers, including
16 a specification, claims, drawings, and new declaration with Mr. Schuegraf's
17 last known address, were mailed by certified mail with a return postcard
18 receipt on September 6, 2000. A true copy of the new declaration with this
19 last known address printed thereon is submitted. True copies of the certified
20 mail label and return postcard receipt are submitted.

21 This last known address was verified as being Mr. Schuegraf's address
22 by David G. Latwesen, a shareholder of the firm. Mr. Latwesen acquired the
23 phone number of the address at 26895 Aliso Creek Rd., Suite D, Box 125,

1 Aliso Viejo, CA 92656, through the online (telephonic online) directory
2 service. Mr. Latwesen called the number and a female answered, and Mr.
3 Latw sen asked for Mr. Schuegraf. The female stated Mr. Schuegraf was at
4 work. Mr. Latwesen then inquired as to whom he was speaking, and the
5 female stated she was Mr. Schuegraf's wife. Mr. D. Brent Kenady, an
6 associate of the firm, witnessed Mr. Latwesen's end of this conversation. A
7 second declaration signed by Mr. Latwesen is submitted (Mr. Latwesen's first
8 declaration was provided with the first petition) and attests to these facts.

9 Additionally, this last known address (26895 Aliso Creek Rd., Suite D,
10 Box 125, Aliso Viejo, CA 92656) is different from the address listed on Mr.
11 Schuegraf's declaration mailed with application papers on July 19, 1999 (16351
12 E. Crystal Ridge Drive, Fountain Hills, AZ 85268). The difference is due to
13 the fact that at the time of sending the declaration on July 19, 1999, Mr.
14 Schuegraf's last known address was:

15 Klaus Florian Schuegraf
16 16351 E. Crystal Ridge Drive
Fountain Hills, AZ 85268

17 However, after mailing the declaration of July 19, 1999, Applicant acquired
18 new information of the new last known address (26895 Aliso Creek Rd., Suit
19 D, Box 125, Aliso Viejo, CA 92656). Accordingly, the discrepancy in
20 addresses.

21 The invention was developed under the authorization of Micron
22 Technology, Inc. (hereinafter "Micron") by Mr. Klaus Florian Schuegraf and
23 Randhir P.S. Thakur, who were employed by Micron to do so.

1 Micron is entitled to clear title to the invention, to the above-identified
2 patent application, and to any patent which is issued on the above-identified
3 patent application.

4 As evidenced by the accompanying "Assignment of Inventions, Rights
5 and Confidential Information Agreement", Mr. Schuegraf executed an
6 agreement with Micron wherein Mr. Schuegraf agreed to assign to Micron all
7 of his rights in inventions made while an employee of Micron. As evidenced
8 by the Declaration of Michael L. Lynch, the subject matter of the above-
9 identified application was developed while Mr. Schuegraf was an employee of
10 Micron. As evidenced by the accompanying "Assignment", Mr. Thakur
11 executed an agreement with Micron wherein Mr. Thakur agreed to assign all
12 of his rights, title and interest in the above-identified application (The original
13 "Assignment" has been sent to the Assignment Division of the U.S. Patent and
14 Trademark Office for recordation). Accordingly, Micron is entitled to clear
15 title to the subject matter of the application, to the above-identified patent
16 application, and to any patent which issues on the patent application.

17 Mr. Schuegraf has left the employ of Micron and will not execute
18 papers required for filing the above-identified patent application. Such refusal
19 of Mr. Schuegraf to execute the required papers is evidenced by the
20 accompanying Declaration of David G. Latwesen. As Micron has clear title
21 to the above-identified application, and as Mr. Schuegraf refuses to execute
22 the required papers for filing of the above-identified application, Micron is
23

1 entitled to make such application on behalf and as agent for the inventor
2 pursuant to 37 CFR §1.47(a).

3 The Declaration of Karen Brasefield demonstrates that a bona fide
4 attempt was made to present a copy of the application papers to Mr.
5 Schuegraf for signature.

6 An Oath pursuant to 37 CFR §1.63 and executed by the available joint
7 inventor is provided herewith. Such Oath has a blank for signature by Klaus
8 Schuegraf, as well as the signature of the joint inventor Randhir P.S. Thakur,
9 and is thus sufficient under M.P.E.P. §409.03(a) to evidence that the Oath was
10 signed by Mr. Thakur on behalf of himself and Mr. Schuegraf. Such Oath
11 accordingly meets the requirements of 37 CFR §1.47(a), and Applicant
12 requests acceptance and entry of the Oath into the application file.


13 The required fee pursuant to 37 CFR §1.17(i) is enclosed together with
14 the fee under 37 CFR §1.16(e) for responding to the request for missing
15 parts.

16 The accompanying documents and payment satisfy the requirements of
17 37 CFR §1.47(a) for filing when a joint inventor refuses to join in an
18 application. Applicant therefore requests that the petition be granted.
19 Further, the filing and granting of this petition, together with the enclosed
20 payment, satisfies the Patent and Trademark Office's (PTO) request for
21 missing parts. Applicant therefore requests that the PTO provide formal
22 notification that Applicant has satisfactorily responded to the "Notice to File
23

1 Missing Parts of Application," and proceed with substantiv examination of the
2 application.

3 Respectfully submitted,

4
5 Dated: 9-29-00

6 By: 
7 D. Brent Kenady
8 Reg. No. 40,045
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23